

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARATHON FUNDING SERVICES, INC.,
ROBERT CRAWFORD, and PETER YAGI,

Plaintiffs,

v.

LOUIS J. BERG, IRVING SONKIN, *et al.*,

Defendants.

CASE NO. C19-0828-JCC

ORDER

This matter comes before the Court on attorneys Mary DePaolo Haddad and Alex B. Kaufman’s unopposed motion to withdraw as counsel for Plaintiffs Marathon Funding Services, Inc., Robert Crawford, and Peter Yagi (Dkt. No. 30). Having thoroughly considered the motion and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the reasons explained herein.

No attorney shall withdraw an appearance without leave of the Court if the withdrawal will leave the client without representation. *See* W.D. Wash. Local Civ. R. 83.2(b)(1). An attorney generally may withdraw from representation until 60 days before the discovery cut-off date. *Id.* This decision is within the discretion of the Court. *See Washington v. Sherwin Real Estate, Inc.*, 694 F.2d 1081, 1087 (7th Cir. 1982). Further, corporations must be represented by counsel. *See* W.D. Wash. Local Civ. R. 83.2(b)(4). When withdrawing from representation of a

1 corporation, an attorney must advise the entity about that requirement and that failing to do so
2 could result in a dismissal of the corporation's claims. *Id.*

3 Plaintiffs' counsel Jonathan Grindell passed away in August 2019. (*See* Dkt. No. 17.) On
4 January 3, 2020, Mr. Kaufman filed a notice of appearance for Plaintiffs. (*See* Dkt. No. 19.) On
5 January 29, 2020, Ms. Haddad filed a notice of association for Plaintiffs. (*See* Dkt. No. 24.) Mr.
6 Kaufman and Ms. Haddad now move to withdraw as counsel. (Dkt. No. 30.) More than 60 days
7 remain before the discovery cutoff, so the motion is timely. *See* W.D. Wash. Local Civ. R.
8 83(2)(b)(1). Mr. Kaufman and Ms. Haddad's motion complies with the Local Rules' certification
9 requirements. *See* W.D. Wash. Local Civ. R. 83.2(b)(1); (Dkt. Nos. 30, 31.) Mr. Kaufman and
10 Ms. Haddad have "urged Marathon Funding to obtain substitute counsel and provided time for
11 Marathon Funding to engage new counsel," so Local Rule 83(2)(b)(4)'s requirements are met.
12 (*See* Dkt. No. 30 at 2); W.D. Wash. Local Civ. R. 83(2)(b)(4).

13 For the foregoing reasons, Mr. Kaufman and Ms. Haddad's motion for leave to withdraw
14 as counsel for Plaintiffs (Dkt. No. 30) is GRANTED. In accordance with the Court's order,
15 attorneys Alex B. Kaufman and Mary DePaolo Haddad and their law firm, Fox Rothschild LLP,
16 are GRANTED leave to withdraw from representation and as counsel in this action for Plaintiffs,
17 effective as of the date this order is issued.

18 Plaintiff Marathon Funding Services is ORDERED to show cause why it should not be
19 dismissed for failing to obtain counsel. *See* W.D. Wash. Local Civ. R. 83.2(b)(4). Plaintiff
20 Marathon Funding Services must respond within 21 days from the date of this order.

21 The Clerk is DIRECTED to mail a copy of this order to Plaintiffs Marathon Funding
22 Services, Inc., Robert Crawford, and Peter Yagi at: 203 S. 216th Street, PO Box 98609, Des
23 Moines, WA 98198.

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1 DATED this 16th day of April 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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